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C O N F I D E N T I A L BAGHDAD 002842

SIPDIS

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SUBJECT: IRAQI ELECTION LAW UPDATE OCTOBER 22, 2009

REF: BAGHDAD 2829

Classified By: Acting Deputy Chief of Mission Gary A. Grappo for Reason
s 1.4(b) and (d).

¶1. (C) SUMMARY. On October 22 the Council of Representatives (COR) was in recess and CDA and A/DCM continued political engagements with UNAMI, Vice Presidents Tariq al-Hashimi and Abd al-Mahdi and President Jalal Talabani (septels). Early indications are that the Political Council for National Security (PCNS) is expected to take up discussion of possible elements of an election law on Sunday, October 25. END SUMMARY.

¶2. (C) Independent High Electoral Commission (IHEC) Deputy Chairperson Amal al-Bayraktar told poloffs October 22 that the Board of Commissioners cannot move forward as they wait for an election law. She stressed that the Board is waiting on critical elements of the election law before it can proceed with operational tasks like registration of candidates and preparation of ballots, activities that will take several weeks to complete. For example, Bayraktar pointed out, IHEC needs to know the seat allocation for each voting district so that it can plan accordingly. Bayraktar told poloffs that over the past week she received several calls from members of parliament pressuring her on when IHEC will announce that there is not enough time for IHEC to administer an open list election. On a darker note, Bayraktar, a Turkoman from Kirkuk, also predicted to poloffs that there would be no solution for voting rules in Kirkuk, and she was pessimistic about quick results from the meeting of the PCNS.

¶3. (C) In a meeting with UNAMI SRSG Ad Melkert on October 22, UNAMI and Post agreed to stay closely coordinated on our positions regarding an election law. Melkert shared with A/DCM his concerns about "strong ambiguity" evident in the COR regarding open and closed lists, noting that no one expressly supports closed lists but the issue seems to linger. Melkert also shared his own concerns about IHEC's ability to organize elections without prompt passage of a law, proffering the possibility of postponing the elections into February. This was the least desirable outcome, he said, as it would only give the Iraqis an excuse for further delay. Instead, he suggested, it might be preferable to simply move on the basis of the 2005 law. A/DCM emphasized that Post will work through the weekend to engage with top Iraqi leaders to seek solutions to the current impasse, including a way to move forward on Kirkuk. A/DCM also urged that UNAMI not take any action on either postponement of the election date or resort to the 2005 law without consulting with us, to which he agreed. Finally, A/DCM suggested later in the evening that the SRSG consider approaching Ayatollah Sistani to urge his action in support of timely passage of an acceptable election law. The SRSG's office has begun a dialog with Sistani's office.

¶4. (C) With national elections only 86 days away, political actors in Iraq await an election law that will define

critical aspects of the electoral battle ahead. While the political elites in Baghdad continue to clash on elements of a law (Ref A), DRL-grantees tell us that political organization at the grassroots level remains fragmented and weak. Many of the 296 political entities that registered with IHEC in September are now stymied by uncertainty over voting district size and whether voters will make their choice based on the party (with a closed list system) or the candidate (with an open list system). We have received additional reports from across Iraq that some citizens Qadditional reports from across Iraq that some citizens express apathy and question whether national elections will really take place in January. In Baghdad and in the provinces, Iraqis seem to be waiting for the COR to agree on an election law before pre-election preparations can continue.

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